IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

LONG CAUSE SUIT NO. 953 OF 1979

MOHAMED AMIN JAFFARALI KHATRI & Ors. PLAINTIFFS

VERSUS

HARSHAD KHUMCHAND SHAH & Ors. DEFENDANTS

Mr. R.C.Shah with Mr. A.B.Nagvekar i/b. Solomon & Co. for the Plaintiffs.

Mr. Sandeep Parikh with Ms. Pandya Tikale i/b. M/s. Bilawala & Co. for Defendants.

CORAM: S.K.SHAH,J.

DATE : 17th September, 2004.

P.C.

The learned Counsel for the Plaintiffs seeks liberty to withdraw the suit as against the Defendants Nos. 1 and 2. Liberty is granted. The suit is dismissed as withdrawn as against Defendants Nos. 1 and 2.

2. The Plaintiffs and the Defendants Nos.3, 4 and 5

are present through their Counsel. They have filed the Consent Terms. Consent Terms are taken on record and marked "X" for identification. Decree be drawn in terms of the Consent Terms as against Defendants Nos. 3, 4 and 5.

3. The undertaking contained in clause No.5 of the Consent Terms is accepted.

4. The Plaintiffs are allowed to withdraw from the Court the amount of Rs.5,000/- deposited by the Plaintiffs in Court pursuant to the Order dated 12.9.2003.

5. No order as to costs.

6. Court fee be refunded as per Rules.

Certified copy expedited.

---

(S.K.SHAH,J.)